IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 14007 of 2005

For Approval and Signature:

HON'BLE MR JUSTICE DN PATEL

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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DHAVAL SHANKARBHAI CHAUDHARY - Petitioner(s)

Versus

STATE OF GUJARAT &3 - Respondent(s)

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Appearance :

MR CJ VIN for Petitioner No(s).: 1.

MR LB DABHI for Respondent No(s).: 1, 2,3.
MR KB PUJARA for Respondent No(s).: 4.

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CORAM : HON'BLE MR JUSTICE DN PATEL

Date : 12/07/2005

ORAL JUDGMENT

1.Leave to amend granted.

1.Rule. Learned Assistant Government Pleader Mr.L.B.Dabhi waives notice of Rule for the respondent no.1, 2 and 3 and Mr. K.B. Pujarat waives notice of Rule for the respondent no.4.

1.The present petition has been preferred for getting appropriate writ, order or direction directing the respondent no.4 to allow the present petitioner to fill up the form and that the case of the petitioner may be considered on the basis of the evidence as a local student for getting admission in the first year MBBS course for the academic year 2005-2006. It is submitted by the learned advocate appearing for the petitioner that the petitioner is residing within the local limit of city of Surat. Father of the petitioner is residing in the quarters of Government Medical College, Surat. Certificate has also been issued, which is at Annexure-D dated 08.07.2005, which reflects that from July, 1995 and onwards, the father of the petitioner is residing in the quarters allotted by the Government Medical College, Surat. The present petitioner was directed by the respondent no.3 to fill up the form of respondent no.4 – college, but last three years of municipal tax bill were not with the petitioner, therefore, the form of the petitioner was not accepted and, therefore, the petitioner may be allowed to fill up the form of respondent no.4 – college along with necessary documents and evidence for claiming local college seats for ST category. Learned Advocate for the petitioner has also submitted that this Court has decided Special Civil Application No.13818/2005 by order dated 11.07.2005 that the evidences required by the respondent no.4 – college, which are referred to in Rule 1.2.1 are illustrative in nature and direction has been given to the respondent no.4 to reconsider the case of the petitioner in the aforesaid petition on the basis of the documents presented by the petitioner before the respondent

no.4. The case of the petitioner is like the case of petitioner of Special Civil Application No.13818/2005 and, therefore, similar direction may be issued upon the respondent no.4 to consider the case of the petitioner as local student on the basis of the evidence, presented by the present petitioner.

1. Heard Learned Counsel appearing for the respondent no.4, Mr.K.B. Pujara, who has submitted that the petitioner has not filled up the form of respondent no.4 – college. If the petitioner is filling up his form on 14th July, 2005 along with necessary documents and evidences for the proof of the fact that he is a local resident of city of Surat. The respondent no.4 shall decide the case of the present petitioner for getting admission in first year of MBBS course in the local student quota seats reserved for ST category on or before 22nd July, 2005 and the same will be communicated to the petitioner on or before 26th July, 2005. Direction in detailed have already been given in the earlier order of this Court dated 11.07.2005 in Special Civil Application No.13818/2005.

1. I have also heard Assistant Government Pleader, who support the case of college.

1. In view of the aforesaid submission of the learned counsel and looking to the aforesaid facts and circumstances of the case and the order passed by this Court in Special Civil Application No.13818/2005 dated 11.07.2005, the respondent no.4 – college is hereby directed to accept the form of the petitioner for first year course of MBBS for the academic year 2005-2006 along with necessary documents and evidence. The petitioner shall fill up the same on or before 14th July, 2005. The respondent no.4 shall consider the case of the petitioner for local student reserved seats for ST category. The decision will be taken by the respondent no.4 on or before 22nd July, 2005. The same will be communicated to the petitioner on or before 26.07.2005. Meanwhile, the respondents are directed to keep one seat for First Year of MBBS course at respondent college vacant from local student

reserved seats for ST candidate up to 29th July, 2005, if the decision is against the petitioner.

1. Rule is made absolute to the aforesaid extent. Direct service permitted.

(D.N. PATEL, J.)

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